APPENDIX A

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING PETITION AND, IF FILED, DETERMINED.

IN THE SUPREME COURT OF FLORIDA
JANUARY TERM, A. D. 1967

SEABOARD AIR LINE RAILROAD COMPANY, a foreign corporation, authorized to do business in the State of Florida,
Petitioner,
vs.
WARREN G. WILLIAMS, JR.,
Respondent.

Case No. 35,718

Opinion filed May 24, 1967

Writ of Certiorari to the District Court of Appeal, Fourth District

Manley P. Caldwell of Caldwell, Pacetti & Barrow and Chas. S. Ausley of Ausley, Ausley, McMullen, O'Bryan, Michaels & McGehee, for Petitioner

Farish & Farish and Jos. D. Farish, Jr., for Respondent

PER CURIAM.

On July 29, 1963 respondent Williams was injured in an accident involving one of petitioner's trains. After trial in which the jury was charged on the doctrine of comparative negligence judgment in sum of $141,750.00 was entered for respondent on July 3, 1964. Petitioner appealed to the District Court of Appeal, Second District.

While that appeal was pending this court on May 12, 1965 entered its decision in *Georgia Southern and Florida Railway Company* v. *Seven-Up Bottling Company of Southeast Georgia, Inc.*, Fla. 1965, 175 So. 2d 39. In that case Section 768.06, F.S., the railroad "comparative negligence" statute, was held unconstitutional.

Immediately following the filing of our decision in the *Georgia Southern* case petitioner moved the district court for leave to amend its assignment of errors to include an assignment asserting the unconstitutionality of Section 768.06 and also moved the court to remand the cause for new trial, basing its motions on the decision in the *Georgia Southern* case. These motions were denied and following creation of the District Court of Appeal, Fourth District, the cause was transferred to that court. The latter court subsequently entered its decision "Per Curiam. Affirmed." In a petition for rehearing the petitioner railroad again called to the attention of the district court our opinion in the *Georgia Southern* case and informed that court of the pendency in this court on petition for certiorari of two cases involving the same question. *Florida East Coast Railway Company* v. *Rouse*, Fla. App. 1965, 178 So. 2d 882, and *Atlantic Coast Line Railroad Company, et al.* v. *Braz*, Fla. App. 1966, 182 So. 2d 491. The petition for rehearing was denied and petitioner railroad filed its petition for certiorari in this court.

On January 9, 1967, prior to our hearing argument in this cause, we filed our opinions in *Florida East Coast Railway Company* v. *Rouse*, Fla. 1967, 194 So. 2d 260, and *Atlantic Coast Line Railway Company, et al.*, v. *Braz*, 196 So. 2d 109. In each of those cases the petitioner railroads did not attack the validity of Section 768.06 at the trial but raised the issue for the first time on appeal in the district

court. Holding that an appellate court is required to apply the law as it existed at the time of the appeal this court reversed and remanded both causes for new trial under the law as settled in the *Georgia Southern* case.

Under our decision in *Foley* v. *Weaver*, Fla. 1964, 177 So. 2d 221 we are permitted to examine the record proper to determine if conflict in decisions exists. The situation presented by this case demonstrates the necessity for and wisdom of the rule in Foley.

In this cause, as in *Rouse* and *Braz*, the trial judge charged the jury on comparative negligence pursuant to Section 768.06. In neither cause was the validity of the statute or the correctness of the charges thereon raised until the judgments were in the district courts on appeal. In each cause the district courts affirmed the judgments despite the fact that we had in the *Georgia Southern* case held the subject statute invalid and remanded that cause for new trial because the jury was charged thereunder. In each the Rouse and Braz cases we remanded for new trials free of charges under the invalid statute.

If the per curiam decision in this cause is permitted to stand the result will be, and it is obvious for all to see, that the rule of law applicable at the time of appellate decision will have been applied in the two cases while a different erroneous rule will have been applied in the third. Another consequence, equally repugnant to the even handed administration of justice, is that because of an unforeseeable but later determined error the defendants in two causes will be given new trials yet the defendant in the third will not. Consistency and uniformity in the administration of justice ought to exist to the point that this result not be sanctioned.

For these reasons the decision of the district court is quashed with directions that the cause be remanded to the trial court for a new trial.

It is so ordered.

ROBERTS, O'CONNELL and CALDWELL, JJ., concur

DREW, J., concurs specially with Opinion

THORNAL, C.J., THOMAS and ERVIN, JJ., dissent

DREW, J., concurring specially:

I did not agree with the majority in Florida East Coast Railway Company v. Rouse, Fla. 1967, 194 So. 2d 260, and in Atlantic Coast Line Railway Company, et al., v. Braz, 196 So. 2d 109, on the identical issue which is involved in this case. My views are fully set forth in my dissenting opinion in each of those cases. Further discussion here would serve no useful purpose. Both cases received minute consideration and long deliberation before the ultimate judgment was reached and although I dissented, I consider the law there announced to be binding upon me as a Justice of this Court in the disposition of this case. Uniformity of decisions in our jurisdiction and the basic concept of equal justice under law simply require the result reached in the majority opinion. Any other conclusion would produce a judicial absurdity.

In my concurring opinion in Foley v. Weaver Drugs, Fla. 1965, 177 So. 2d 221, I observed: "I think it would result in utter chaos in the judicial system of this State with three separate District Courts, and the possibility of a fourth in the near future, if it were impossible for this Court to maintain consistency and uniformity of the law in [decisions of such district courts merely affirming without opinion]. . . ." What has occurred in this case

fulfills that prophecy. I, therefore, concur in the foregoing majority opinion.

O'CONNELL, J., concurs

APPENDIX B

Statutes Involved

I. Railroad Comparative Negligence Statute, Section 768.06, Florida Statutes, F.S.A.

"No person shall recover damages from a railroad company for injury to himself or his property, where the same is done by his consent, or is caused by his own negligence. If the plaintiff and the agents of the company are both at fault, the former may recover, but the amount of recovery shall be such a proportion of the entire damages sustained, as the defendant's negligence bears to the combined negligence of both the plaintiff and the defendant."

II. Time Limit for Petition for Writ of Certiorari—Florida Appellate Rules, Rule 4.5c

"Application for writ of certiorari shall be by petition filed in the Court within 60 days from the rendition of the decision, order, judgment or decree sought to be received."

III. Article V, Section 4(2), Constitution of State of Florida.

Appeals from district courts of appeal may be taken to the supreme court, as a matter of right, only from decisions initially passing upon the validity of a state statute or a federal statute or a treaty, or initially construing a controlling provision of the Florida or federal constitution. The supreme court may review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, or that

passes upon a question certified by the district court of appeal to be of great public interest, or that is in direct conflict with a decision of another district court of appeal or of the supreme court on the same points of law; and may issue writs of certiorari to commissions established by law.

APPENDIX C

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING PETITION AND, IF FILED, DETERMINED.

IN THE SUPREME COURT OF FLORIDA
JANUARY TERM, A. D. 1965

GEORGIA SOUTHERN AND FLORIDA RAILWAY COMPANY, a corporation, Appellant, vs. SEVEN-UP BOTTLING COMPANY OF SOUTHEAST GEORGIA, INC., a corporation, Appellee.	Case No. 33,343

Opinion filed May 12, 1965

An Appeal from the Circuit Court for Duval County, Marion W. Gooding, Judge

Mathews, Osborne & Ehrlich, for Appellant

Howell, Kirby, Montgomery and Sands, for Appellee

Charles A. Ausley of Ausley, Ausley, McMullen, O'Bryan, Michaels & McGehee, for Amicus Curiae

ROBERTS, J.

This is a direct appeal from a judgment which, inter alia, passed directly upon the validity of Section 768.06,

Florida Statutes, and held that it was immune to the attacks made thereon by the appellant.

The statute in question, sometimes known as the "comparative negligence" statute, provides that

> "No person shall recover damages from a railroad company for injury to himself or his property, where the same is done by his consent, or is caused by his own negligence. If the plaintiff and the agents of the company are both at fault, the former may recover, but the amount of recovery shall be such a proportion of the entire damages sustained, as the defendant's negligence bears to the combined negligence of both the plaintiff and the defendant."

The appellant railroad company concedes that, at the time of the statute's enactment in 1887, the Legislature, in the exercise of its police power and in the interest of public safety, could validly deal with what, at that time, "was the only commonly dangerous instrumentality operated in the state." It contends, however, that times have changed; and that a statute which is valid when enacted may become invalid by changes in the conditions to which it applies. This is unquestionably the law. See Atlantic Coast Line R. Co. v. Ivey, Fla. 1942, 5 So. 2d 244; Caldwell v. Mann, Fla. 1946, 26 So. 2d 788. And if the doctrine of "comparative negligence" as incorporated in the statute were being introduced at this late date as a brand-new concept of what the railroads' liability should be in this type of case, we have no doubt that the instinctive reaction of all persons—laymen and lawyers alike—to such a singling out of railroads for the imposition of such a burden would be one of surprise, shock, and a feeling that the Legislature had violated the rules of fair play. More importantly, we have the view that the public opinion thus hypothesized would be in accord with the organic

requirements of "fair play" as preserved for us in the due process and equal protection clauses of the federal and Florida constitutions.

The purpose of the equal protection clause has been many times stated by this court, but never more simply or clearly than in Davis v. Florida Power Company, 1913, 64 Fla. 246, 60 So. 759, as follows:

> "The inhibition that no state shall deprive any person within its jurisdiction of the equal protection of the laws was designed to prevent any person, or class of persons, from being singled out as a special subject for arbitrary and unjust discrimination and hostile legislation."

And, as stated in Seaboard Air Line Ry. v. Simon, 1908, 56 Fla. 545, 47 So. 1001:

> "Like all other statutes imposing regulations, such laws should be based upon a just classification of persons and corporations *with reference to the subject regulated,* and such classification should not be purely arbitrary." (Emphasis added.)

The "subject regulated" by the statute in question is the liability of a railroad for damage done to persons and property by the running of its trains. The primary purpose of the regulation appears to be "to enforce a high degree of efficiency and care and to avoid negligence in rendering the public service involving the safety of persons and property . . .", quoting from the concurring opinion of Justice Whitfield in Loftin v. Crowley's, Inc., 1942, 150 Fla. 836, 8 So. 2d 909. Again, in Grace v. Geneva Lumber Co., this court said:

> "The statutory liability of railroad companies for damage done to persons and property by the running of the trains of such companies is predicated upon a classification having a substantial basis in the dangers incident to the operation of railroad trains; * * *"

See also Brahan v. Meridian Light & Ry. Co., Miss. 1919, 83 So. 467, in which the Mississippi Supreme Court was concerned with a "comparative negligence" statute of Mississippi applicable to all actions for personal injuries, and in which it was said:

> "The evident purpose of this statute was to impose liability on persons whose negligence caused an injury to a person, even though such person might also be guilty of negligence, for the purpose of compelling a high degree of care so as to protect life and limb, * * *".

The statute in question was enacted some ten years before the first patent was issued in this country for a gasoline-driven automobile. By 1906 there were only 296 cars in the entire state of Florida, Cash, *The Story of Florida*, Vol. 2, p. 537, and in 1912 only 25.4 miles of brick highway in the state. (See Archives of Florida State Highway Department.) By 1920, however, the dangerous character of a motor vehicle had become sufficiently known to persuade the court to apply to this "new instrumentality imminently dangerous to the persons using the public highways" the common-law rule respecting the liability of a master who entrusts a dangerous instrumentality to a servant. See Southern Cotton Oil Co. v. Anderson, 1920, 80 Fla. 725, 86 So. 629. The court said:

> "If a locomotive engine and a handcar are peculiarly dangerous when operated on a railroad track, certainly a motor car is peculiarly dangerous when operated on public highways."

Any doubt that this holding was to be limited to cases involving a master-and-servant relationship was dissipated by the decisions in Herr v. Butler, 1931, 101 Fla. 1170, 132 So. 815, and Crenshaw Bros. Produce Co. v. Harper, Fla. 1940, 194 So. 353. In the case last cited, the court said:

> "In the light of our own former decisions, holding the motor vehicle to be a highly dangerous agency while in operation, it is but reasonable that we should attach thereto the law applicable to dangerous agencies, including the principle, applied to this particular case, that the driver of such dangerous agency, in this case a motor truck, is the vice-principal of his master, the owner, and that therefore in cases of this kind the fellow servant doctrine cannot be invoked as a defense."

As stated in Atlantic Coast Line Railroad Co. v. Ivey, supra, 5 So.2d 244, in holding unconstitutional the statute (enacted in 1899) authorizing the recovery of double the value of livestock killed on an unfenced railroad company right-of-way,

> "It cannot be questioned that those transportation companies engaged as common carriers on the public roads and those so engaged on their privately owned roads such as railroad companies, owe like duties to the public and are under like obligations for the protection against accidents to life and property in conducting such business."

It would seem, therefore, that any regulation designed to compel a high degree of care on the part of those persons or corporations who render a public service involving the safety of persons and property should bear with equal force upon all such persons or corporations. In the early days of railroading, it may be that the company could absorb into its rate structure the financial burden imposed by the statute in question and pass it on to its customers; but under the present competitive conditions existing between rail and motor transports, such an unrealistic approach is untenable. And even if it were possible to do so, it would seem to be basically unfair to railroad customers to compel them to bear such a burden and, at the same time, leave free from such burden the large number

of customers who avail themselves of motor and other competitive forms of transportation.

We have not overlooked the decision of this court in Loftin v. Crowley's, Inc., supra, 8 So. 2d 909. There, in declining to strike down the statute in question, this court relied on decisions upholding statutes regulating railroads in various respects, none of which involved the regulation with which we are here concerned; and in attempting to distinguish its decision, recently rendered, in Atlantic Coast Line R. Co. v. Ivey, supra, 5 So. 2d 244, the court said that

> "In that case we were dealing with a statute which imposed penalties on one class of common carrier which were not imposed on another class performing the same service in the same localities. * * *".

It may be that, twenty-three years ago when Loftin v. Crowley's was decided, the imposition of "comparative negligence" liability upon the railroads by the statute in question was not so unduly burdensome as to amount to a penalty; but today the situation is not the same, as the facts of the case *sub judice* demonstrate.

Here, a collision occurred between a train owned by the appellant railroad company and a truck owned by the appellee, a bottling company. As a result of the collision, the railroad company sustained damages of $3,000.00 and the damages of the bottling company were $3,250.00. Based on evidence from which the jury could find that each party was fifty percent at fault and under appropriate instructions from the judge, the jury returned a verdict denying the railroad's claim and awarding to the bottling company fifty percent of its claimed damages. Thus, under the impact of Section 768.06, the railroad company was compelled to stand its entire loss ($3,000.00) and, in addition, pay to the bottling company fifty percent of its dam-

ages ($1,625.00). To thus penalize the railroad company seems to us to be wholly arbitrary and contrary to the principles of law respecting the constitutional right of equal protection. Paraphrasing the language of this court in Seaboard Air Line Ry. v. Simon, supra, 47 So. 1001, 1005:

> "The regulation does not cover a subject in which the duties of those who operate railroads legally differ from other common carriers . . ., and there appears to be no natural, practical, and substantial difference between railroads and other common carriers . . . with reference to the duty [to exercise a high degree of care in the operation of a dangerous instrumentality, whether it be a train or a motor vehicle common carrier.]"

For the reasons stated, we hold that Section 768.06, supra, although perhaps valid when enacted, has now become a discriminatory and burdensome exercise of the police power because of changed conditions; and that it is, therefore, invalid under the due process and equal protection clauses of the federal constitution and Section 12, Declaration of Rights, Florida Constitution.

Accordingly, the judgment appealed from is reversed and the cause remanded for further proceedings.

It is so ordered.

DREW, C.J., THOMAS, THORNAL, O'CONNELL and CALDWELL, JJ., concur

ERVIN, J., concurs specially with opinion

ERVIN, J., specially concurring.

I am in thorough agreement with the foregoing opinion and judgment. It denotes that this Court has adopted a realistically modern concept of the doctrine of equal protection, which concept as an overall precedent of this Court should go far to preclude discrimination in many areas of activity in our state.

SUMMARY OF RAILROAD ACCIDENTS FOR CALENDAR YEAR 1962
STATE OF FLORIDA
GRADE CROSSING ACCIDENTS

	Protected By	Number People I	Number People K	Type of Accident: Veh. Hit Train Day	Veh. Hit Train Night	Train Hit Veh. Day	Train Hit Veh. Night	Total No. Vehicles Involved	Total Accidents	Total I	Total K
Railroad A:	(Cross (X) Buck Signs	37	12	5	3	29	4	41			
	Automatic Signals	9	5	6	1	3	1	13	54	46	17
Railroad B:	(Cross (X) Buck Signs	14	9	2	5	6	5	18			
	Automatic Signals	7	0	4	0	3	0	7	25	21	9
Railroad C:	(Cross (X) Buck Signs	2	0	1	0	1	0	2			
	Automatic Signals	3	0	0	0	1	0	1	3	5	0
Railroad D:	(Cross (X) Buck Signs	2	0	0	1	0	0	1			
	Automatic Signals	0	0	0	0	0	0	0	1	2	0
Railroad E:	(Cross (X) Buck Signs	3	0	1	0	1	0	2			
	Automatic Signals	0	0	0	0	0	0	0	2	3	0
Railroad F:	(Cross (X) Buck Signs	24	23	9	3	22	4	38			
	Automatic Signals	32	14	2	4	6	2	14	52	56	37
Railroad G:	(Cross (X) Buck Signs	0	0	0	0	0	0	0			
	Automatic Signals	0	1	0	1	0	0	1	1	0	1
TOTAL		133	64	30	18	72	16	*138	*138	133	64

Number vehicles hit train at night on cross (X) buck sign crossing	11
Number vehicles train hit at night on cross (X) buck sign crossing	13
Number vehicles hit train daytime on cross (X) buck sign crossing	17
Number vehicles train hit daytime on cross (X) buck sign crossing	59
Number vehicles hit train at night on automatic signal crossing	9
Number vehicles train hit at night on automatic signal crossing	4
Number vehicles hit train daytime on automatic signal crossing	10
Number vehicles train hit daytime on automatic signal crossing	15
Grand Total all Railroad Companies	*138

"I" Designates those injured
"K" Designates those killed

OTHER ACCIDENTS

	Employees I	Employees K	Passengers I	Passengers K	Trespassers I	Trespassers K	Non-Trespassers I	Non-Trespassers K	Derailments	Collisions	Railroad Property Loss	Employees Time Loss	Total Accidents	Total I	Total K	Total All Accidents I	Total All Accidents K	Grand Total Accidents
Railroad A:	89	2	16	0	4	5	7	0	13	3	70,700.59	1997 Days	130	116	7	162	24	186
Railroad B:	104	1	55	0	3	5	6	0	0	2	14,618.00	2713 Days	137	168	6	189	15	162
Railroad C:	3	0	0	0	0	0	0	0	0	0	3,300.00	90 Days	3	3	0	8	0	6
Railroad D:	3	0	0	0	0	1	0	0	4	0	13,709.70	29 Days	8	3	1	5	1	9
Railroad E:	4	0	0	0	0	0	0	0	0	0	.00	219 Days	3	4	0	7	0	5
Railroad F:	125	2	15	0	2	13	5	0	5	4	543,847.00	2821 Days	158	147	15	203	52	210
Railroad G:	0	0	0	0	0	0	0	0	0	0	.00	0 Days	0	0	0	0	1	1
TOTAL	328	5	86	0	9	24	18	0	22	9	$646,175.29	7869 Days	439	441	29	574	93	577

SUMMARY OF RAILROAD ACCIDENTS FOR Year 1963
STATE OF FLORIDA

GRADE CROSSING ACCIDENTS

		Number People I	Number People K	Type of Accident: Veh. Hit Train Day	Veh. Hit Train Night	Train Hit Veh. Day	Train Hit Veh. Night	Total No. Vehicles Involved	Total Accidents	Total I	Total K
Railroad A:	Cross (X) Buck Signs	36	24	10	6	20	4	40	39	45	25
	Automatic Signals	7	1	0	3	3	3	9			
Railroad B:	Cross (X) Buck Signs	7	3	1	0	2	1	4	13	10	4
	Automatic Signals	3	1	0	0	8	1	9			
Railroad C:	Cross (X) Buck Signs	36	17	7	9	14	9	39	60	59	23
	Automatic Signals	23	6	6	5	10	0	21			
Railroad D:	Cross (X) Buck Signs	1	1	0	0	1	1	2	2	1	1
	Automatic Signals	0	0	0	0	0	0	0			
Railroad E:	Cross (X) Buck Signs	0	3	0	0	1	0	1	1	0	3
	Automatic Signals	0	0	0	0	0	0	0			
TOTAL		113	56	24	23	59	19	*125	*125	113	56

Number vehicles hit train at night on Cross (X) Buck Sign Crossing	16
Number vehicles train hit at night on Cross (X) Buck Sign Crossing	14
Number vehicles hit train day time on Cross (X) Buck Sign Crossing	19
Number vehicles train hit day time on Cross (X) Buck Sign Crossing	37
Number vehicles hit train at night on Automatic Signal Crossing	8
Number vehicles train hit at night on Automatic Signal Crossing	4
Number vehicles hit train day time on Automatic Signal Crossing	9
Number vehicles train hit day time on Automatic Signal Crossing	18
Grand Total all Railroad Companies.	*125

"I" Designates Injured
"K" Designates Killed

OTHER ACCIDENTS

	Employees I	Employees K	Passengers I	Passengers K	Tres-Passers I	Tres-Passers K	Non-Tres-Passers I	Non-Tres-Passers K	Derailments	Collisions	Railroad Prop. loss	Employees Time loss	Total Accid.	Total I	Total K	Total All Accidents I	Total All Accidents K	Grand Total Accidents
Railroad A:	68	0	1	0	6	3	8	1	13	1	$9,762.00	331 Days	130	113	4	155	5	160
Railroad B:	58	0	1	0	3	0	2	0	11	1	$2,003.00	1050 "	124	60	0	70	0	70
Railroad C:	178	3	13	0	7	3	17	0	8	2	$9,600.00	2830 "	100	73	6	83	9	92
Railroad D:	4	0	0	0	0	0	0	0	70	0	$1,000.00	34 "	5	4	0	5	0	5
Railroad E:	0	0	1	0	1	0	0	0	1	0	$1,000.00	.....	2	2	0	2	0	2
TOTAL	309	3	16	1	11	6	27	1	33	4	$19,711.23	6205 "	341	313	10	355	14	369

APPENDIX D-2

SUMMARY OF RAILROAD ACCIDENTS FOR CALENDAR YEAR 1964
STATE OF FLORIDA

GRADE CROSSING ACCIDENTS

		Number People I	Number People K	Type of Accident: Veh. Hit Train Day	Veh. Hit Train Night	Train Hit Veh. Day	Train Hit Veh. Night	Total No. Vehicles Involved	Total Accidents	Total I	Total K
Railroad A:	(Cross (X) Buck Signs	32	8	7	5	16	6	34			
	(Automatic Signals	8	2	0	0	3	4	7	41	40	10
Railroad B:	(Cross (X) Buck Signs	16	4	1	1	8	3	13			
	(Automatic Signals	5	2	1	0	2	1	4	17	21	6
Railroad C:	(Cross (X) Buck Signs	34	19	5	8	19	5	37			
	(Automatic Signals	15	8	3	4	6	4	17	54	49	27
Railroad D:	(Cross (X) Buck Signs	6	0	0	2	4	0	6			
	(Automatic Signals	5	6	1	1	1	2	5	11	11	6
Railroad E:	(Cross (X) Buck Signs	1	0	0	0	1	0	1			
	(Automatic Signals	2	0	0	1	1	0	2	3	3	0
TOTAL		124	49	18	22	61	25	*126	*126	124	49

Number vehicles hit train at night on Cross (X) Buck Sign Crossing ---------- 16
Number vehicles train hit at night on Cross (X) Buck Sign Crossing ---------- 14
Number vehicles hit train day time on Cross (X) Buck Sign Crossing ---------- 13
Number vehicles train hit day time on Cross (X) Buck Sign Crossing ---------- 48
Number vehicles hit train at night on Automatic Signal Crossing ---------- 6
Number vehicles train hit at night on Automatic Signal Crossing ---------- 11
Number vehicles hit train day time on Automatic Signal Crossing ---------- 4
Number vehicles train hit day time on Automatic Signal Crossing ---------- 13
Grand Total all Railroad Companies ---------- * 126

OTHER ACCIDENTS

	Employees I	Employees K	Passengers I	Passengers K	Trespassers I	Trespassers K	Non-Trespassers I	Non-Trespassers K	Derailments	Collisions	Railroad Prop. Loss	Employees Time Loss	Total Accid.	Total I	Total K	Total all Accidents I	Total all Accidents K	Grand Total Accidents
Railroad A:	130	1	9	0	9	3	6	1	9	5	$ 90,778.43	3002	173	154	5	194	15	214
Railroad B:	64	0	0	0	3	0	0	0	12	1	783,120.00	1094	80	67	0	88	6	97
Railroad C:	122	1	5	0	3	4	11	0	7	1	279,897.00	2267	154	141	5	190	32	208
Railroad D:	5	1	0	0	0	0	0	0	0	0	-0-	87	6	5	1	16	7	17
Railroad E:	2	0	0	0	0	0	0	0	1	0	20,000.00	1758	3	2	0	5	0	6
TOTAL	323	3	14	0	15	7	17	1	29	7	$1,173,795.43	8208	416	369	11	493	60	542

FLORIDA PUBLIC SERVICE COMMISSION
SUMMARY OF RAILROAD ACCIDENTS FOR Calendar Year, 1955
STATE OF FLORIDA

GRADE CROSSING ACCIDENTS

		NUMBER PEOPLE I	NUMBER PEOPLE K	TYPE OF ACCIDENT VEH. HIT TRAIN DAY	VEH. HIT TRAIN NIGHT	TRAIN HIT VEH. DAY	TRAIN HIT VEH. NIGHT	TOTAL NO. VEHICLES INVOLVED	TOTAL ACCIDENTS	TOTAL I	TOTAL K
Railroad A:	(Cross (X) Buck Signs	47	22	13	4	21	8	46			
	Automatic Signals	18	3	2	2	7	5	16	62	65	25
Railroad B:	(Cross (X) Buck Signs	14	3	3	1	6	0	10			
	Automatic Signals	0	1	1	0	1	1	3	13	14	4
Railroad C:	(Cross (X) Buck Signs	33	8	6	6	10	6	36			
	Automatic Signals	20	13	2	0	13	8	24	60	53	21
Railroad D:	(Cross (X) Buck Signs	2	1	0	1	0	0	1			
	Automatic Signals	0	0	0	0	0	0	0	1	2	1
Railroad E:	(Cross (X) Buck Signs	1	1	1	0	1	1	3			
	Automatic Signals	2	0	2	0	0	0	2	5	5	1
TOTALS		139	52	30	14	68	29	*141	*141	139	52

Number vehicles hit train at night on Cross (X) Buck Sign Crossing.....12
Number vehicles train hit at night on Cross (X) Buck Sign Crossing.....13
Number vehicles hit train day time on Cross (X) Buck Sign Crossing.....23
Number vehicles train hit day time on Cross (X) Buck Sign Crossing.....48
Number vehicles hit train at night on Automatic Signal Crossing..... 3
Number vehicles train hit at night on Automatic Signal Crossing.....10
Number vehicles hit train day time on Automatic Signal Crossing..... 7
Number vehicles train hit day time on Automatic Signal Crossing.....25
Grand Total All Railroad Companies.....*141

OTHER ACCIDENTS

	Employees I	Employees K	Passengers I	Passengers K	Trespassers I	Trespassers K	Non-trespassers I	Non-trespassers K	Derailments	Collisions	Railroad Prop.Loss	Employees Time Loss	Total Accid.	Total I	Total K	Total All Accidents I	Total All Accidents K	Grand Total Accidents
Railroad A:	*116	6	3	0	3	8	6	1	21	2	$101,107.74	2375	166	128	15	193	40	230
Railroad B:	85	0	0	0	2	1	1	0	4	1	58,611.00	861	93	70	0	85	4	89
Railroad C:	62	0	2	0	6	12	16	2	7	3	416,131.26	1666	135	109	14	168	35	193
Railroad D:	0	0	0	0	0	0	0	0	1	1	49,775.00	111	10	6	0	8	1	11
Railroad E:	1	0	0	0	0	1	1	0	2	1	85,110.00	60	6	2	1	7	2	11
TOTALS	251	6	5	0	11	22	24	3	39	10	$711,735.00	5195	374	295	30	436	82	515

*1 employee permanently injured.

FLORIDA PUBLIC SERVICE COMMISSION

SUMMARY OF RAILROAD ACCIDENTS FOR CALENDAR YEAR ENDING 1966
STATE OF FLORIDA

GRADE CROSSING ACCIDENTS

		Number People I	Number People K	Type of Accident Veh. Hit Train Day	Veh. Hit Train Night	Train Hit Veh. Day	Train Hit Veh. Night	Total No. Vehicles Involved	Total Accidents	Total I	Total K
Railroad A:	(Cross (X) Buck Signs	28	14	6	9	16	4	35	46	48	14
	Automatic Signals	20	0	4	10	6	0	11			
Railroad B:	(Cross (X) Buck Signs	10	5	0	2	5	1	8	14	18	5
	Automatic Signals	8	0	0	3	1	2	6			
Railroad C:	(Cross (X) Buck Signs	42	20	8	9	27	2	46	55	59	41
	Automatic Signals	17	21	2	0	6	1	9			
Railroad D:	(Cross (X) Buck Signs	3	2	2	1	0	1	4	6	5	2
	Automatic Signals	2	0	2	0	0	0	2			
Railroad E:	(Cross (X) Buck Sings	5	2	0	1	4	0	5	5	5	2
	Automatic Signals	0	0	0	0	0	0	0			
TOTAL		135	64	24	36	65	11	*126	*126	135	64

Number vehicles hit train at night on Cross (X) Buck Signs Crossing.....22
Number vehicles train hit at night on Cross (X) Buck Signs Crossing.....10
Number vehicles hit train day time on Cross (X) Buck Signs Crossing.....16
Number vehicles train hit day time on Cross (X) Buck Signs Crossing.....52
Number vehicles hit train at night on Automatic Signal Crossing.....4
Number vehicles train hit at night on Automatic Signal Crossing..... 1
Number vehicles hit train day time on Automatic Signal Crossing..... 8
Number vehicles train hit day time on Automatic Signal Crossing.....13
Grand Total all Railroad Companies.....#126

OTHER ACCIDENTS

	Employees I	Employees K	Passengers I	Passengers K	Trespassers I	Trespassers K	Non-Trespassers I	Non-Trespassers K	Derailments	Collisions	Railroad Prop. Loss	Employees Time Loss	Total Accid.	Total I	Total K	Total All Accidents I	Total All Accidents K	Grand Total Accidents
Railroad A:	99	1	2	0	2	5	6	1	36	13	678,107.73	2149	165	109	7	157	17	211
Railroad B:*	37	0	0	0	1	3	0	0	10	2	818,756.00	2060	53	38	3	56	8	67
Railroad C:	63	0	14	0	9	10	10	3	10	3	420,897.52	325	142	116	11	175	52	197
Railroad D:	4	0	0	0	1	1	0	0	0	0	5,000.00	1028	6	5	1	10	3	12
Railroad E:	11	0	11	0	2	3	0	0	5	0	51,846.00	24	32	24	3	29	5	37
TOTALS	234	1	27	0	15	22	16	4	61	18	1,974,607.25	5586	398	292	25	427	85	524

* 1 employee permanently injured Railroad B

FLORIDA PUBLIC SERVICE COMMISSION
SUMMARY OF RAILROAD ACCIDENTS FOR JANUARY, FEBRUARY AND MARCH, 1967
STATE OF FLORIDA

GRADE CROSSING ACCIDENTS

		Number People		Type of Accident Veh. Hit Train		Train Hit Veh.		Total No. Vehicles Involved	Total Accidents	Total	
		I	K	Day	Night	Day	Night			I	K
Railroad A:	(Cross (X) Buck Signs	11	4	0	3	7	0	10			
	Automatic Signals	4	0	2	0	2	0	4	14	15	4
Railroad B:	(Cross (X) Buck Signs	5	0	0	1	1	0	2			
	Automatic Signals	2	0	1	0	1	0	2	4	7	0
Railroad C:	(Cross (X) Buck Signs	7	3	1	3	8	2	14			
	Automatic Signals	0	2	1	0	1	0	2	16	7	5
Railroad D:	(Cross (X) Buck Signs	0	1	0	0	1	0	1			
	Automatic Signals	0	0	0	0	0	0	0	1	0	1
Railroad E:	(Cross (X) Buck Signs	1	1	1	0	1	0	2			
	Automatic Signals	0	0	0	0	0	0	0	2	1	1
TOTAL		30	11	6	7	22	2	*37	*37	30	11

Number vehicles hit train at night on Cross (X) Buck Signs 7
Number vehicles train hit at night on Cross (X) Buck Signs 2
Number vehicles hit train day time on Cross (X) Buck Signs 2
Number vehicles train hit day time on Cross (X) Buck Signs 18
Number vehicles hit train at night on Automatic Signal Crossing 0
Number vehicles train hit at night on Automatic Signal Crossing 0
Number vehicles hit train day time on Automatic Signal Crossing 4
Number vehicles train hit day time on Automatic Signal Crossing 4
Grand Total all Railroad Companies.....*37

OTHER ACCIDENTS

	Employees		Passengers		Trespassers		Non-Trespassers		Derailments	Collisions	Railroad Prop. Loss	Employees Time Loss	Total Accid.	Total		Total All Accidents	Grand Total Accidents
	I	K	I	K	I	K	I	K						I	K		
Railroad A:	24	0	2	0	0	1	5	0	12	0	$108,718.00	538	49	31	1	46	63
Railroad B:	7	0	0	0	0	1	0	0	0	0	- 0 -	482	8	7	1	14	12
Railroad C:	25	0	0	0	4	3	3	0	3	1	22,166.81	500	39	32	3	39	22
Railroad D:	1	0	0	0	0	0	0	0	1	0	- 0 -	25	2	1	0	1	3
Railroad E:	1	0	0	0	0	0	0	0	3	0	276,215.00	7	4	1	0	2	6
TOTALS	58	0	2	0	4	5	8	0	19	1	$407,099.81	1552	102	72	5	102	16	139